



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

SENATE BILL NO. 43

TUESDAY, JANUARY 31, 2012

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adair

1 AN ACT relating to an alternative high school diploma.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 156.160 is amended to read as follows:

4 (1) With the advice of the Local Superintendents Advisory Council, the Kentucky
5 Board of Education shall promulgate administrative regulations establishing
6 standards which school districts shall meet in student, program, service, and
7 operational performance. These regulations shall comply with the expected
8 outcomes for students and schools set forth in KRS 158.6451. Administrative
9 regulations shall be promulgated for the following:

10 (a) Courses of study for the different grades and kinds of common schools
11 identifying the common curriculum content directly tied to the goals,
12 outcomes, and assessment strategies developed under KRS 158.645,
13 158.6451, and 158.6453 and distributed to local school districts and schools.
14 The administrative regulations shall provide that:

15 1. If a school offers American sign language, the course shall be accepted
16 as meeting the foreign language requirements in common schools
17 notwithstanding other provisions of law; and

18 2. If a school offers the Reserve Officers Training Corps program, the
19 course shall be accepted as meeting the physical education requirement
20 for high school graduation notwithstanding other provisions of law;

21 (b) Courses of study or educational experiences available to students in all middle
22 and high schools to fulfill the prerequisites for courses in advanced science
23 and mathematics as defined in KRS 158.845;

24 (c) The acquisition and use of educational equipment for the schools as
25 recommended by the Council for Education Technology;

26 (d) The minimum requirements for high school graduation in light of the expected
27 outcomes for students and schools set forth in KRS 158.6451. Student scores

from any assessment administered under KRS 158.6453 that are determined by the National Technical Advisory Panel to be valid and reliable at the individual level shall be included on the student transcript. The National Technical Advisory Panel shall submit its determination to the commissioner of education and the Legislative Research Commission;

(e) *The requirements for an alternative high school diploma for students with disabilities whose individualized education program indicates that, in accordance with 20 U.S.C. sec. 1414(d)(1)(A):*

1. The student cannot participate in the regular statewide assessment;

and

2. An appropriate alternate assessment has been selected for the student based upon a modified curriculum and an individualized course of study;

(f) Taking and keeping a school census, and the forms, blanks, and software to be used in taking and keeping the census and in compiling the required reports. The board shall create a statewide student identification numbering system based on students' Social Security numbers. The system shall provide a student identification number similar to, but distinct from, the Social Security number, for each student who does not have a Social Security number or whose parents or guardians choose not to disclose the Social Security number for the student;

~~(g)~~ Sanitary and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings, and classrooms. With respect to physical standards of sanitary and protective construction for school buildings, the Kentucky Board of Education shall adopt the Uniform State Building Code;

~~(h)~~ Medical inspection, physical and health education and recreation, and

1 other regulations necessary or advisable for the protection of the physical
 2 welfare and safety of the public school children. The administrative
 3 regulations shall set requirements for student health standards to be met by all
 4 students in grades four (4), eight (8), and twelve (12) pursuant to the outcomes
 5 described in KRS 158.6451. The administrative regulations shall permit a
 6 student who received a physical examination no more than six (6) months
 7 prior to his initial admission to Head Start to substitute that physical
 8 examination for the physical examination required by the Kentucky Board of
 9 Education of all students upon initial admission to the public schools, if the
 10 physical examination given in the Head Start program meets all the
 11 requirements of the physical examinations prescribed by the Kentucky Board
 12 of Education;

13 ~~(j)(h)~~ A vision examination by an optometrist or ophthalmologist that shall be
 14 required by the Kentucky Board of Education. The administrative regulations
 15 shall require evidence that a vision examination that meets the criteria
 16 prescribed by the Kentucky Board of Education has been performed. This
 17 evidence shall be submitted to the school no later than January 1 of the first
 18 year that a three (3), four (4), five (5), or six (6) year-old child is enrolled in a
 19 public school, public preschool, or Head Start program;

20 ~~(j)(i)~~ 1. Beginning with the 2010-2011 school year, a dental screening or
 21 examination by a dentist, dental hygienist, physician, registered nurse,
 22 advanced practice registered nurse, or physician assistant that shall be
 23 required by the Kentucky Board of Education. The administrative
 24 regulations shall require evidence that a dental screening or examination
 25 that meets the criteria prescribed by the Kentucky Board of Education
 26 has been performed. This evidence shall be submitted to the school no
 27 later than January 1 of the first year that a five (5) or six (6) year-old

1 child is enrolled in a public school.

2 2. A child shall be referred to a licensed dentist if a dental screening or
3 examination performed by anyone other than a licensed dentist identifies
4 the possibility of dental disease;

5 ~~(k)~~~~(j)~~ The transportation of children to and from school;

6 ~~(l)~~~~(k)~~ The fixing of holidays on which schools may be closed and special days
7 to be observed, and the pay of teachers during absence because of sickness or
8 quarantine or when the schools are closed because of quarantine;

9 ~~(m)~~~~(l)~~ The preparation of budgets and salary schedules for the several school
10 districts under the management and control of the Kentucky Board of
11 Education;

12 ~~(n)~~~~(m)~~ A uniform series of forms and blanks, educational and financial,
13 including forms of contracts, for use in the several school districts; and

14 ~~(o)~~~~(n)~~ The disposal of real and personal property owned by local boards of
15 education.

16 (2) (a) At the request of a local board of education or a school council, a local school
17 district superintendent shall request that the Kentucky Board of Education
18 waive any administrative regulation promulgated by that board. Beginning in
19 the 1996-97 school year, a request for waiver of any administrative regulation
20 shall be submitted to the Kentucky Board of Education in writing with
21 appropriate justification for the waiver. The Kentucky Board of Education
22 may approve the request when the school district or school has demonstrated
23 circumstances that may include but are not limited to the following:

24 1. An alternative approach will achieve the same result required by the
25 administrative regulation;

26 2. Implementation of the administrative regulation will cause a hardship on
27 the school district or school or jeopardize the continuation or

1 development of programs; or

2 3. There is a finding of good cause for the waiver.

3 (b) The following shall not be subject to waiver:

4 1. Administrative regulations relating to health and safety;

5 2. Administrative regulations relating to civil rights;

6 3. Administrative regulations required by federal law; and

7 4. Administrative regulations promulgated in accordance with KRS
8 158.6451, 158.6453, 158.6455, 158.685, and this section, relating to
9 measurement of performance outcomes and determination of successful
10 districts or schools, except upon issues relating to the grade
11 configuration of schools.

12 (c) Any waiver granted under this subsection shall be subject to revocation upon a
13 determination by the Kentucky Board of Education that the school district or
14 school holding the waiver has subsequently failed to meet the intent of the
15 waiver.

16 (3) Any private, parochial, or church school may voluntarily comply with curriculum,
17 certification, and textbook standards established by the Kentucky Board of
18 Education and be certified upon application to the board by such schools.

19 (4) Any public school that violates the provisions of KRS 158.854 shall be subject to a
20 penalty to be assessed by the commissioner of education as follows:

21 (a) The first violation shall result in a fine of no less than one (1) week's revenue
22 from the sale of the competitive food;

23 (b) Subsequent violations shall result in a fine of no less than one (1) month's
24 revenue from the sale of the competitive food;

25 (c) "Habitual violations," which means five (5) or more violations within a six (6)
26 month period, shall result in a six (6) month ban on competitive food sales for
27 the violating school; and

1 (d) Revenue collected as a result of the fines in this subsection shall be transferred
2 to the food service fund of the local school district.

3 ➔Section 2. KRS 158.140 is amended to read as follows:

4 (1) When a pupil in any public elementary school or any approved private or parochial
5 school completes the prescribed elementary program of studies, he is entitled to a
6 certificate of completion signed by the teacher or teachers under whom the program
7 was completed. The certificate shall entitle the pupil to admission into any public
8 high school. Any promotions or credits earned in attendance in any approved public
9 school are valid in any other public school to which a pupil may go, but the
10 superintendent or principal of a school, as the case may be, may assign the pupil to
11 the class or grade to which the pupil is best suited. In case a pupil transfers from the
12 school of one (1) district to the school of another district, an assignment to a lower
13 grade or course shall not be made until the pupil has demonstrated that he is not
14 suited for the work in the grade or course to which he has been promoted.

15 (2) Upon successful completion of all state and local board requirements, the student
16 shall receive:

17 (a) A diploma indicating graduation from high school; or

18 (b) An alternative high school diploma if the student has a disability and has
19 completed a modified curriculum and an individualized course of study
20 pursuant to requirements established by the Kentucky Board of Education
21 in accordance with Section 1 of this Act.

22 (3) (a) The Gatton Academy of Mathematics and Science in Kentucky, located at
23 Western Kentucky University, may award a diploma to any student who
24 completes his or her high school program at the academy. If the academy
25 issues a diploma, the board of regents of the university shall provide to the
26 commissioner of education a letter of assurance that the program of study
27 completed by its students, in combination with previously earned secondary

1 credits, meets the minimum high school graduation requirements established
2 by the Kentucky Board of Education under KRS 156.160(1)(d).

3 (b) A local school district may award a joint diploma with the Gatton Academy of
4 Mathematics and Science in Kentucky to any student who was enrolled in a
5 district high school and completed his or her high school program at the
6 academy.

7 (c) The academy and the home school district shall ensure that student transcripts
8 from each institution accurately reflect the dual credit coursework.

9 (4) A local school board may award a diploma indicating graduation from high school
10 to any student posthumously with the high school class the student was expected to
11 graduate.

12 (5) (a) A local board of education shall award an authentic high school diploma to an
13 honorably discharged veteran who did not complete high school prior to being
14 inducted into the United States Armed Forces during:

- 15 1. World War II, as defined in KRS 40.010;
- 16 2. The Korean conflict, as defined in KRS 40.010; or
- 17 3. The Vietnam War. As used in this paragraph, "Vietnam War" means the
18 period beginning August 5, 1964, and ending May 7, 1975. However,
19 for a member of the United States Armed Forces serving in Vietnam
20 prior to August 5, 1964, the period shall begin February 28, 1961.

21 (b) Upon recommendation of the commissioner, the Kentucky Board of
22 Education in consultation with the Kentucky Department of Veterans' Affairs
23 shall promulgate administrative regulations to establish the guidelines for
24 awarding the authentic diplomas referred to in paragraph (a) of this
25 subsection.

26 (6) The Department of Education shall establish the requirements for a vocational
27 certificate of completion. A student who has returned to school after dropping out

1 shall receive counseling concerning the vocational program. A student who has
2 completed the requirements established for a vocational program shall receive a
3 vocational certificate of completion specifying the areas of competence.

4 ➔Section 3. KRS 313.040 is amended to read as follows:

5 (1) The board shall promulgate administrative regulations in accordance with KRS
6 Chapter 13A relating to dental hygienists. The administrative regulations may
7 include at a minimum the classification of and licensure of dental hygienists, by
8 examination or credentials, general supervision privileges, anesthesia registration,
9 retirement of a license, reinstatement of a license, and charity licenses.

10 (2) Renewal programs shall be organized to include continuing education approved by
11 the board.

12 (3) A licensed dental hygienist shall practice under the supervision, order, control, and
13 full responsibility of a dentist licensed under this chapter and may practice:

14 (a) In a dental office, public or private school, health care facility, or government
15 institution with a dentist on staff;

16 (b) Without the physical presence of a supervising dentist as provided in
17 administrative regulations promulgated pursuant to subsections (6), (7), and
18 (8) of this section; or

19 (c) Without a supervising dentist if providing screening services in accordance
20 with subsection (9) of this section.

21 (4) It shall be unlawful for a person or corporation to practice dental hygiene in a
22 manner that is separate or independent from the dental practice of a supervising
23 dentist or to establish or maintain an office or practice that is primarily devoted to
24 the provision of dental hygiene services.

25 (5) A dental hygienist may be employed by the supervising dentist or under contract
26 with a dentist licensed under this chapter who is one (1) of the following:

27 (a) The employer of the supervising dentist;

- 1 (b) A shareholder in a professional association formed under KRS 274.015 of
- 2 which the supervising dentist is a shareholder;
- 3 (c) A member or manager of a limited liability company formed under KRS
- 4 275.005 of which the supervising dentist is a member or manager;
- 5 (d) A shareholder in a corporation formed under KRS Chapter 271B of which the
- 6 supervising dentist is a shareholder;
- 7 (e) A partner or employee of a partnership of which the supervising dentist is a
- 8 partner or employee; or
- 9 (f) A government entity that employs the dental hygienist to provide dental
- 10 hygiene services in a public school in connection with other programs the
- 11 government entity administers.

12 (6) A dental hygienist may provide the following procedures in a volunteer community
13 health setting without the supervision of a dentist:

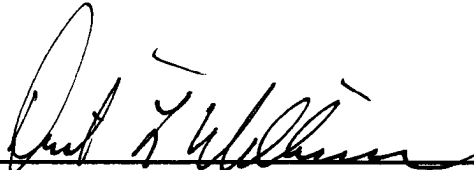
- 14 (a) Dental health education;
- 15 (b) Nutritional counseling;
- 16 (c) Preparing a generalized oral screening with subsequent referral to a dentist;
- 17 (d) Applying fluoride on patients;
- 18 (e) Demonstration of oral hygiene technique; and
- 19 (f) Sealants.

20 (7) (a) A dental hygienist may provide, for not more than fifteen (15) consecutive full
21 business days, dental hygiene services to a patient when the supervising
22 dentist is not physically present at the location at which the services are
23 provided if all the following requirements are met:

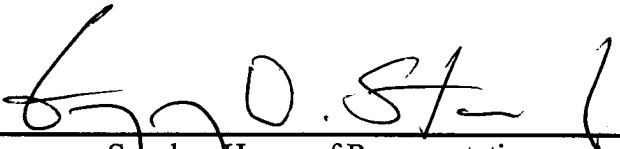
- 24 1. The dental hygienist has at least two (2) years with a minimum of three
- 25 thousand (3,000) hours of experience in the practice of dental hygiene;
- 26 2. The dental hygienist has successfully completed a course approved by
- 27 the board in the identification and prevention of potential medical

- 1 emergencies with reregistration in this course every two (2) years;
- 2 3. The dental hygienist complies with written protocols for emergencies the
- 3 supervising dentist establishes;
- 4 4. The dental hygienist does not examine or provide dental health services
- 5 to a patient who has not been examined by the supervising dentist within
- 6 the previous seven (7) months. The supervising dentist shall have
- 7 completed and evaluated a medical and dental history of the patient and
- 8 shall have placed a written order for treatment in the patient's file. The
- 9 board shall promulgate administrative regulations in accordance with
- 10 KRS Chapter 13A to determine guidelines for the written order; and
- 11 5. A patient is notified in advance of an appointment for dental hygiene
- 12 services when the supervising dentist will be absent from the location.
- 13 The patient shall be required to sign an informed consent form, prior to
- 14 treatment by the hygienist, acknowledging the dentist's absence.
- 15 (b) The board shall promulgate administrative regulations to determine
- 16 procedures the dental hygienist shall not be allowed to perform while the
- 17 supervising dentist is absent from the work site.
- 18 (8) A dental hygienist licensed by the board may practice as a public health hygienist
- 19 and may provide dental hygiene services if:
- 20 (a) The services are provided as part of a dental health program;
- 21 (b) The program for which the hygienist works is operated through the
- 22 Department for Public Health or a governing board of health; and
- 23 (c) The hygienist performs only accepted standardized protocols which are
- 24 contained within the scope of practice of dental hygiene and which are
- 25 reviewed and approved by the Board of Dentistry and either the Department
- 26 for Public Health or the dentist member of the governing board of health, as
- 27 set out in administrative regulation.

- 1 (9) A dental hygienist may provide screening services in any setting without the
2 supervision of a dentist if:
- 3 (a) The screening is conducted to fulfill the requirements of KRS
4 156.160(1)~~(j)~~~~(i)~~; and
- 5 (b) Patients are informed that the service being provided is a screening and that
6 only a dentist is licensed to make a definitive diagnosis of the need for dental
7 care.



President of Senate



Speaker House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 4-6-12